

**CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, July 28, 2015**

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	X	Wendy Howell, Planning Director	X
Vice-Chairman Stephanie Wierschem	Absent	Troy Behunin, Senior Planner	X
Commissioner Dana Hennis	X	Trevor Kesner, Planner I	X
Commissioner Cathy Gealy	X		
Commissioner Joan Gay	Absent		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

Chairman Young called the meeting to order at **6:05pm**.

1. CONSENT AGENDA

- a. Meeting Minutes for July 14, 2015
- b.

15-01-ZC – Rezone; and **07-03-DA** – Development Agreement (Modification): Profile Ridge [South 1/2] Subdivision - Findings of Fact and Conclusions of Law.

*Commissioner Hennis motioned to approve consent agenda;
Commissioner Gealy seconds, all aye and motioned carried 3-0.*

*Commissioner Hennis motioned to switch the 'NEW BUSINESS' items with 'OLD BUSINESS' items on the agenda;
Commissioner Gealy seconds, all aye and motioned carried 3-0.*

2. NEW BUSINESS:

- a. **15-02-SUP** (Special Use Permit): A request from applicant, Shayla Menard for a Special Use Permit (SUP) to operate an in-home pet grooming service business located at 226 E. Chapparosa Drive.

Trevor Kesner: Good evening Commissioners; for the record, Trevor Kesner: Kuna City Planner. The application before you tonight; 15-02-SUP is a Special Use Permit application from Shayla Menard to operate an in-home pet grooming service business at 226 E. Chapparosa Drive. Kuna City code designates a Special Use Permit application as a public hearing has completed all of the required application materials, she has posted the site, notified all property owners within 300 feet of the proposed business of her intent and the SUP hearing was published in the Kuna-Melba News. As far as staff is concerned, we would forward a recommendation of approval for the application and I will stand for any questions you may have. The applicant is here as well tonight if you have any questions for them.

C/Young: Ok, well I guess I could ask her, but are there any questions for Trevor?

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C/Hennis: Not that I have right now.

C/Gealy: No questions at this time.

Trevor Kesner: Thank you.

C/Young: Ok; and I will ask the applicant if they have anything that they would like to add, please come forward if they do.

Shayla Menard (applicant): I guess not; everything is pretty much there.

C/Gealy: I do have a couple of questions for the applicant.

C/Young: Ok, just please step forward and state your name and address for the record.

Shayla Menard: Shayla Menard, 226 E. Chapparosa.

C/Gealy: Congratulations on opening a new business and thank you for appearing here this evening. The concern I have is about noise; if you had some yippy-yappy clients, how you might address that?

Shayla Menard: Of course, I would try to calm them but I don't think there would be any more than any of the neighbor dogs or any of the other dogs in the neighborhood so there hasn't been any disruption.

C/Gealy: So how many dogs would you like to have on the premises at one time?

Shayla Menard: No more than seven at any given time. All of them are confined within an area; the garage with me in the third bay where I do it. And that's really rare that there is that many, only if someone were to be late coming or something like that.

C/Gealy: You said that you were planning to be open four days a week with some flexibility, but do you have an idea about which days of the week that might be.

Shayla Menard: Mostly it's just Monday, Tuesday, Thursday and Fridays. Usually I'm closed on Wednesday and of course the weekends so it doesn't disrupt the neighbors and plus, I get to have the weekend off for the kids so even though I'm there, with the garage door closed, it just looks like any other normal house structure so a lot of people don't even know that I even do anything in there.

C/Gealy: Ok, nothing further.

C/Young: I just have one other question for you. I see that there were several people that showed up at your neighborhood meeting; were there any concerns that were brought up during that time?

Shayla Menard: Nope. There were just there to ask me if I needed any help in trying to get it going and rolling. When I did contact other neighbors, all they ever had were questions like you had; the same thing about the

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noise and stuff or the traffic or whatever, but it's the same. Nothing has changed or been substantial where anybody had worries or wondered what was going on.

C/Young: Ok. I had another question... but, well I've lost it. I'm sure it'll come to me. I guess, during the day, while all of your furry clients are about; are there times when they are let outside to do what dogs do?

Shayla Menard: Yes, all the time. I have the yard connecting to the third bay, so the door is open so they can go outside and go potty or whatever. So, yeah it's kind of like my home structure, I let them run around with me instead of having them be stuck in a kennel, per se. It's not too crazy or overwhelming. I haven't had any neighbors jump over and say: 'Hey'. If anything, it's more the neighbor's animals that are kind of fussy; but I am not complaining so... yeah.

C/Young: Ok, thank you. I will go ahead and open public testimony at 6:12 pm, and seeing that there is nobody signed up in favor, neutral or opposition, is there anyone here that would like to speak that didn't sign up? Ok. So, we'll go ahead and close it at 6:12 pm.

Trevor Kesner: Chairman, may I approach? Again; for the record, Trevor Kesner, Planner for City of Kuna: I just wanted to clarify in the staff report it said there would be no more than five (5) animals or not more than five clients at a time on the premises. The applicant has indicated that she has two dogs of her own that are actually pets, so I believe she was including them in the seven (7) animals that she mentioned earlier. So, I just wanted to clarify that there were two dogs on site already as pets for her.

C/Young: Ok. Thank you. That brings up our discussion. The only thoughts I have are with up to seven (7) dogs running around on a daily basis, there may be a lot of waste, so we could just make it a condition of approval that there be daily clean up of waste and so my only other thoughts are that it doesn't sound like anybody is opposed to it now but six months from now, if there is a lot of dogs around and it becomes a noise problem, how is that addressed if there is a complain that comes back to the city?

C/Hennis: Well, we could include a comment on general noise ordinance.

C/Young: Ok, that's all I had, was there any other things that you all had comments on?

C/Hennis: No, not that I have come up with, everything that should be addressed seems to be there.

C/Young: Did you have anything Cathy.

C/Gealy: Well, like I said, my main concern would be the noise and that the neighbors had some recourse if it should become a nuisance so I don't know if staff could help us with that, if we might condition that?

Trevor Kesner: Well, you as Commissioners could certainly commission that in the Findings if you wanted to. If you wanted, you could give a generalized statement that if there were any activities or operations that were to become a public nuisance, it could jeopardize the approval of this SUP. There are provisions in city code for a kennel license, but that is certainly not going to be the case here. I also believe that in Kuna code, one family or a single family dwelling would be allowed to have no more than four (4) pets; however, this is a different scenario. So, you all could condition whatever you would like to. The applicant has done this type of business

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before, she is just seeking now to do it correctly and legally so as she has stated, there have not been any previous complaints or concerns brought to staff's attention in regards to noise levels so you are certainly allowed to include conditions regarding that.

Unknown from the audience: "Can you turn that volume up a little bit; we can't hear anything out here, or are we supposed to or what?"

C/Gealy: Yes, you are supposed to be able to hear.

C/Young: I will speak up and he just turned up the volume as well. If there is nothing else, I will stand for a motion then.

Commissioner Gealy motioned to approve 15-02-SUP with the conditions of approval as stated in the staff report and to include two additional conditions of approval: 1) Applicant shall clean up all animal waste on a daily basis, and 2) should approved SUP activities create a public nuisance, this SUP approval shall be reviewed by the Planning and Zoning Commission for reconsideration; Commissioner Hennis seconds, all aye and motioned carried 3-0.

- b. **15-01-AN** (Annexation): A request from applicant, 'A' Team Land Consultants to annex approximately 287.17 +/- acres near the intersection of Kuna and Cloverdale Roads (Falcon Crest Golf Course) into the City of Kuna and provide for a change in the county zoning designation from RR (Rural Residential) to the city zoning designation of A (Agriculture District).

C/Young: Will the applicant please come forward and state your name and address for the record?

Steve Arnold: Mr. Chairman and Commissioners, for the record, my name is Steve Arnold; I am with 'A-Team' land consultants, 1785 S. Whisper Cove, Boise, Idaho. Before the Commission tonight is an annexation with an agricultural zoning to include a portion of the golf course, and approximately 157 acres south and west of the golf course and then we are using a ten acre sliver that is provided by Mr. and Mrs. Blevins, and that sliver connects to the east on an 80 acre parcel that is owned by the state department. We've had the state department agree to work with us on the annexation, as we did with the parcel to the east of our site on the other side of Cloverdale; the ten acres and so we are using that as a route for annexation in the city limits. At this point, we don't have any plans to develop the property. The golf course has developed with thirty-six holes; an eighteen hole and then two nines. Our intention at the beginning with the golf course was to always provide some single family dwellings around the course, and in doing so, of course we would need to provide city services; that being city sewer and water and other services that a city agency would provide. We've looked at potentially going and incorporating the golf course into the city of Boise, but that didn't seem like a viable option. After speaking with your city engineer and your staff, it appeared that we could get an annexation route and once annexed, we would work with the city on either some type of urban renewal district or some sort of method of providing sewer from its current location which is about three miles away to the actual golf course. It is important to note that the main focus for future development is the golf course and not the 157, or the 10 or the state department of lands; those are all just means of getting the golf course annexed into the city limits. Again, once it is annexed, we will work with the city and start working on either funding methods or coordinating methods with some future development that is going on south and east of town. There has been talk of some industrial uses going in there and other uses that the city may be extending services to. We just want to be part of that discussion and our good faith is essentially showing that we want to annex and go into the city and work with the city in the future.

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That being said, I have read through all the staff reports and the conditions; I would like to say that we would comply with everything, but there is nothing to comply with at this point; there are no conditions being imposed on this proposed annexation. We will, in the future, any conditions that the city engineer or that staff come up with, we will comply; or with any other jurisdictions at that time, we will work with those agencies at that time. So, what the Commission has before you tonight is basically, the first step in developing the golf course. The other properties that are associated with this are not proposing development. With that, I will stand for any questions. I've read through all the reports and all of the staff's conditions and findings.

C/Young: Ok; any questions for the applicant at this time?

C/Hennis: Not at this time.

C/Gealy: I have none.

C/Young: Ok; I guess now we will have staff come up and speak.

Troy Behunin: Good evening Commissioners; just for the record, Troy Behunin, Kuna Planning and Zoning department. The application before you tonight for the Falcon Crest golf course 15-01-AN, which is an annexation request from county rural residential to a city agriculture zone. The applicant and their representative have complied with all of the noticing procedures; they held the required neighborhood meeting with landowners within at least 300 feet and I believe they actually went to within 400 feet, which exceeds the code. They have also posted the site for tonight's meeting, it has been run in the newspaper, they sent out notices to the same folks who were invited to the neighborhood meeting and all of the noticing procedures have been followed as they should. I think Steve did a really good job; a comprehensive job of explaining what the request is, but just to highlight the centerpiece of this annexation is the Falcon Crest golf course, a 40 acre site which on the northeast corner of the intersection of Kuna Road and Cloverdale Road, and that is just to set the table for future possible development when city services do get closer, and there is a lot of moving parts and juggling balls that are in the air for that. The other piece is the state lands, the Blevins' property, and the Heimbrook property; those are all just stepping stones to provide a pathway. Staff is generally very supportive of this application and we didn't see any concerns with this. We did have a number of conditions that were listed in the end of this report and as you can tell, all of them deal with future development which at this time it is contemplated and it is a possibility but there is nothing conditioned on this property right now for development. If this property is annexed into the city with an agricultural zone, they will have to come back at some point in time and when they know what their development plan is going to be and they will have to rezone the property, and at that time there will be site specific conditions and things to address the known development at that time. I will stand for any questions you might have.

C/Young: Ok; any questions for Troy at this time?

C/Gealy: Troy, I have one question with respect to the affidavit of legal interest submitted by the Idaho Department of Lands, I think; and its part 'B' as part of the consideration of the consent to annex this assignment of the IDL requires that it receive from Hans George Barbones landscaping a recorded easement; has that been... is that finalized?

Steve Arnold: It's in process.

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Troy Behunin: So you could condition the application to a successful recordation of the easement, but yes, that was a condition from the Department of Lands on the consent to annex. Good observation.

C/Young: Ok; any other questions for Troy?

C/Hennis: No

Troy Behunin: Just a suggestion; you might want to ask the audience if there are others, because I noticed when I brought the sign-up sheet that there was only the one.

3. PUBLIC HEARING

C/Young: Ok, we're about ready to open it up. We'll open the public testimony at ... I can't read the clock today; at 6:28 pm. I see that only Mr. Arnold signed up, is there anybody else present that would like to speak on this issue or have any input? Ok. Seeing none, I will go ahead and close the public hearing at 6:29 pm, which then brings up our discussion. From what I can see, this annexation complies with the comprehensive plan, our future land use maps and the goals that the city has set forth for those areas and our area of impact so I don't have any issues.

C/Hennis: No, I don't really see anything that is out of the ordinary on this one, I mean anything that were to develop from here would still have to be brought back in front of the Commission so...

C/Young: Yes.

C/Gealy: Again, the only question I have is with respect to what I guess would be a condition, of the IDL.

C/Hennis: The access?

C/Gealy: ... to agree to be a part of this path and they say: "it is agreed that the City of Kuna shall not approve the annexation ordinance until it receives proof that said easement has been recorded with the Ada County recorder". Would you step up and address that again please? I mean, anybody can; you are certainly welcome to address it as well because I'd like to have it on the record.

C/Young: If you would just state your name and address for the record.

Terry Cook: Terry Cook with Falcon Crest, LLC and I had a conversation with Ryan Leigh from the department of lands just about a month ago. The route is selected. They know the path and I think his comment to me was we just haven't had time to write it. I mean it's all agreed to, it's approved, we know exactly where it will go and it's just a matter of the paperwork to follow up so I don't see any problem, I mean we are agreeing with it.

C/Hennis: Ok.

Terry Cook: But if you want to attach it with a condition, I think in a matter of a few weeks, it will be resolved, or whenever they can get to it.

C/Young: Ok; thank you very much.

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Commissioner Hennis motioned to recommend approval of 15-01-AN annexation to the City Council with the conditions as stated in the staff report and add the condition that the access easement to the Idaho Department of Lands property is finalized ;
Commissioner Gealy seconds, all aye and motioned carried 3-0.

C/Young: Ok, we'll give everybody a moment to shift and then we'll move forward.

4. OLD BUSINESS:

- a. **15-01-ZOA** - (Lot Split Ordinance Amendment): A request to amend Kuna City Code (KCC), Title 5, Chapter 16, Section 3 entitled, "Lot Split" to amend the requirements of sidewalk construction; modify the sewer, water, and storm drainage requirements; deletion of septic tanks and private well placement requirement; and provide an effective date.

-This item was tabled at the July 14th regular Planning and Zoning Commission meeting

Wendy Howell: For the record, Wendy Howell, Kuna Planning and Zoning Director. I brought Richard Roats with me today, our city attorney; he can probably fill in some gaps and answer some questions you had last time. I am just going to go over the changes that were made. Initially the question that came up regarding the 180 days, in 5-16-4-1: It was 90 days and it was changed to 180 days. Did you have any questions on that or do you want to address it later?

C/Young: I guess as far as the number goes, when the ordinance was written, the original 90, or now the 180 days; where did that number come from?

Richard Roats: Good evening, Richard Roats, city attorney. Chairman, I can tell you this: there was collaboration between Planning and Zoning, my department, the engineer on working through some of these that had arisen in the past on the septic ordinance and how we were going to deal with it so we decided that it needed a rewrite so I can't recall specifically where the 180 or the 90 days came up, but based upon the questions raised at your last meeting, that was changed to 180 days, and significantly then, basically it is a 180 days and there has to be a timeline, so it can be extended out, it's just that they have to do something within that 180 days, realizing that the 90 days is kind of a tight timeframe to get something done with the connection. The 180 days and then the timeline approved by the city engineer and then the City Council to do that. Again realizing that there is probably going to be situations where, and leading to one of the other things that was raised was the financing of some of this; either statutory common law or perhaps an L.I.D. type basis to bring in the system to get this taken care of. So we've tried to be flexible with it realizing that the underlying premise in this whole thing is from the city engineers position is number one, we want to limit the number of septic systems we have in the city limits for two reasons: 1) we are in a high nitrate priority area; almost the whole city is and 2) if we allow some of these septic systems [and I know there was a discussion on allowing them and then the replacement if they fail at some point, which may be 20 years or so], we create these blocks to development where it is financially unfeasible to extend the system out past, let's say if somebody has five acres that front Ten Mile and the development on the other end, it's financially prohibitive to extend that line without being able to service those properties in between there, so it really creates some blocks that the city engineer is concerned about if we allow these developments with the septic system. So the thought is, if the line is run down there, there has

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to be an ability or a requirement that at some point in time, they hook up; and that's where it goes back to how much time are we going to give them to hook up and what financial incentives are we going to provide or allow for them to hook up to the system.

C/Hennis: Well, what I think the previous gentlemen at the meeting was concerned about is, if you come in (annex), and you put twenty thousand dollars into a septic system and within a year or two, the sewer line becomes available, then you have to spend... what is an average connection fee? It's probably around the realm of five to ten thousand dollars to connect?

Richard Roats: It's about five thousand dollars.

C/Hennis: So, you just basically throw away your twenty thousand dollar system and that is going to deter people from developing in the city as it is. I mean, personally, I am going through the same thing on something and my system just failed as well and that would be a real concern of mine to have to dump twenty thousand dollars into a system knowing that I am not going to get more than six months out of the system maybe, unless something comes up...

Richard Roats: The whole thing with a situation like that is part of the review process. You'll know, before hand if you make that investment, about the time that the city will be providing sewer service in that area. I can't see that we would say 'put the system in, but in one year, we are going to go ahead and put the sewer line in for your service'. There may be a way we can, if in fact that is the case, there may be a way to cripple your system along until we get to that point of having the line or extending the line in a faster service. What we want to avoid though, is creating those blocks and that is a real concern with the engineer is we have an overall sewer plan that goes out essentially to the life of the north wastewater treatment plant and those areas that we are going to serve with the capacity that we have in that plant. If there is a block of homes that decide to go onto septic and that creates a financial burden that is extremely difficult to overcome, we have to be concerned about that.

C/Hennis: Well, I agree. I think that with developments and new stuff, yes; but we are talking about existing systems that, well... an existing house that is in an area that isn't necessarily going to develop, but has to put one in and all of a sudden a development is projected down the street, that gives the city a reason to connect that but the homeowner in between is still going to be having some financial issues possibly. I mean that is what he was worried about, and that is the thing that I would be worried about as a homeowner here.

Richard Roats: Right. And I am just trying to take care of the engineers concerns about how we deal with these things. On the other hand, what's a situation we can deal with where they have to connect, perhaps some language such as: 'if the system is newer than five years' or something along those lines then they have an additional X amount of time. I've tried to write it, and that 180 day plan for when they actually have to get hooked up so the 90 went to 180 but the 180 then changed to 'when they have to submit their timeline' so there is some flexibility within that to say 'ok, here is my timeline, I recognize that I need to replace my system now but I want to be able to amortize this over five years or whatever, before I hook up and put some money aside so I can pay for this' and that may be a possibility in that taking it up so it can be done that way. So we did try to back off from the drop-dead 90 to 180 and then write that in, that there was some flexibility so City Council ultimately gets to make the decision on how long that is going to be and Council may very well decide

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that we will allow these for five years or so. I know that the Mayor is in favor of a period of time until they have to be replaced.

C/Hennis: Ok. So, yeah, I just wasn't sure... I noticed the terminology or they writing that said for a 'connection plan', but I wasn't sure what that timeline you were indicating was; if that was still considered within that short period of the time, the 90 or 180 days or something past that but if that is something that can extend out to a reasonable time for homeowners to work with the city or...

Richard Roats: The thought is just 180 days to submit the plan and get it approved. Even 90 would be too short for that, so that is why I went with the 180 and that is just to submit and get the plan approved that could then take it out farther. City Council may decide that five years is a perfectly adequate time because the system is brand new. What we would want to avoid obviously is a system that is close to failing or dumping more nitrates. Saying you have five years until DEQ actually declares it a failure to actually let them continue to operate on that.

C/Hennis: Right; Understood.

Richard Roats: So it's probably best to summarize it as it could be dealt with on a case by case basis depending on the system and those types of things.

C/Hennis: Ok.

Richard Roats: One of the other issues that came up and I mentioned it briefly were the financing mechanisms available for the connection. And I know L.I.D. is a bad term; a swear word around here but in fact, it really gives someone an advantage on how they can finance that extension of their system; number one, it could allow several property owners that maybe need that extension into the L.I.D., and again, remember that the L.I.D. has its own particular statute that requires certain things including the landowners consent to that and we certainly wouldn't as a city, mandatorily force an L.I.D. on these property owners, but what it gives them is a financing mechanism not only typically a twenty year term, but interest rates around four or five percent on today's rates to get that done so no land owner would be able to go to the bank and say 'I want to finance thirty thousand dollars to put in an extension to my sewer'; the bank is going to say 'well, we will give it to you at twelve percentage due in a year' versus a twenty year amortization over the term at a lower interest rate. Again, it wouldn't be a forced L.I.D., it's just one of the options. Another option there is any statutory or common law financing, including what we do with our pressurized irrigation because as a city, we are trying to get people off gravity irrigation and on to pressurized irrigation, and so what we've done as a city is we now allow that connection fee to the pressurized irrigation to be financed over time and I think that it comes out to be about seven dollars a month or so on their bill over time so they come down to the city and sign a promissory note that says 'we promise to pay this' and it actually is just included on their bill. And so they don't have to come up with the seven or thousand dollar connection fee or whatever it was, they can do that over time. So that is one of the other ideas is, if we run the line, let's just assume that we are running the line down the rest of Ten Mile and there is some properties that we would like to pick up and they say 'geez, my system is close to failing and I don't have the money, but I would like to connect', we want to get them on that system and get those nitrates from being dumped into the water table, we can offer a promissory note where the city would then finance that connection fee, so that is some of the financing options available. Again, going back from what I got back was when there is an L.I.D... not only no, but heck no. It is really not intended to be forced on them or a bad thing, it

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is actually provides them an option to connect where they might not have an option another way. And also, a developer could use it if a developer wants to develop twenty or thirty acres, we don't want to prohibit them and say 'no L.I.D. type financing' because there is not only L.I.D., there is another financing mechanism in the statutes that provide that those improvements be made over time, and so that was the thought there. It's certainly not a forced mechanism of financing but an option to finance. Again, those code sections in state code for the L.I.D. are rather strict in getting the people involved in that system. Especially since, well I don't think any administration would want to come forward and say 'we're going to make you sign up to do this', it would be a voluntary thing.

C/Hennis: Ok.

C/Young: Ok.

Richard Roats: The other changes, basically there were just a few little changes to each section that dealt with the memorandum of understanding; I think the gist of it is essentially the same. My apologies; I don't know what version you all got but the 'tracked changes' version is almost getting to the point that it's got too many tracked changes. It might be easier just to read off the clean copy and I noticed some formatted editing and duplication there so disregard those but essentially, staff and the city sat down on I think at least three separate meetings to see how some of these issues that we were having with the septic code as it existed, trying to comply with state law, DEQ, and the goals of the city engineering department. The departments have put this together and I think they're all satisfied with it so I would ask that you guys do the same, but I'll stand for questions.

C/Young: Ok, any other questions for Richard?

C/Hennis: Not at this point.

C/Young: Thank you

Wendy Howell: There was one last thing I wanted to address; the portion in the ordinance that talked about 'septic tank installation shall be limited to a single family lot, tract or parcel and not a part of the subdivision'... that concern was brought up last time.

C/Hennis: Sorry, which page are you on?

Wendy Howell: We are on page 2D in section 5. 5-16-4-2..... Oh I'm sorry, on the rewrite it is 2C. Thank you. What we did to clarify because of the potential of a forty acre, or a twenty acre or a ten acre lot out there that may want to do a lot split and annex in; we put in an original date which matches the other portions of our ordinances for splitting a parcel, so that will line up with the other portions. So, if it is in a subdivision and it is prior to December 7, 1977, then it could still be potentially split.

C/Hennis: No questions from me.

C/Young: Thank you. I think overall the ordinance is in pretty good shape. It doesn't always come down to... I think the last issue as far as we are concerned is the time frames for single families and what or how to word this or make that recommendation, I should say, for some of those time frames.

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C/Hennis: I mean, I think that the 180 days and the verbiage about the time line for construction are good additions, but I'd like to address that. I still think that is a short term if somebody has just put in a new system. Obviously, upon failure, that is going to need to be done. You know, if there is sewer available and they fail, then yeah, they need to hook up to it. But, let's say somebody just bought a new system, at what point is it a viable? I mean, is it not? What's a decent time frame that would not upset a homeowner? I mean, Cathy, these systems... I talked to him earlier; these systems typically will last... leach fields, if they are done right, they will last thirty to forty years if done the 'old' way. Tanks are probably fifteen to twenty years; they'll run fifteen to twenty thousand dollars to put the systems in so if you put twenty thousand dollars into a system and then, in two years, or even five years, you are throwing money away at that one because it is money you don't get back. It's not factored into equity and on top of that, it's another five thousand dollars for a connection. So, as a homeowner going through this right now, I am a little concerned, because I see that resident's point. I mean, I am too far out to be a viable connection.

C/Gealy: Sorry, I have a question for staff. If a homeowner is putting in a new system, that is part of their building permit process, is that correct? So that's going to come through Planning and Zoning? You're going to know if someone is putting in a new septic system?

Trevor Kesner: We would require Central District Health or the applicant to provide us with proof that Central District Health has approved their permit to install a new septic system.

C/Gealy: What about if they are replacing an existing septic system? If an existing septic system is failing, does that also go through the permitting process?

Trevor Kesner: If they are annexed and they have to replace their system and sewer is available, they have to hook up. If it is not within three hundred feet, this is certainly something that we would need to consider because the dwelling either has sewer or it doesn't and they need sewer one way or the other.

C/Gealy: No, but my question is, if someone within city limits needs to replace their septic system, do they need a permit to do that?

Trevor Kesner: Absolutely, but from Central District Health, not the city.

C/Gealy: Would the city have any information about a permit from Central District Health to replace an existing system? I guess, what I am asking is if there is a concern that the sewer may go by in two to five years, isn't that something that could be discussed with the homeowner at the time of the permit to replace an existing system.

C/Hennis: Well, that is what Mr. Roats had indicated, that the city would like to talk to them about that, but that gets back to what I am thinking is; if your septic system is only permitted through Central District Health, then how is that going to be a conversation between the city who knows when and where the sewer system hopefully is going and Central District Health, which is all of Treasure Valley's so I can't see where those coordinate well.

Trevor Kesner: I can't either and I'm not sure that there is any provision in code that the homeowner would need to notify Planning and Zoning, but there may be something in Central District Health's permitting process that the homeowner or applicant receive something from the city engineer making them aware of it, but I am not privy to that.

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C/Hennis: To my knowledge, there isn't.

Trevor Kesner: So there's not really a check or balance here that I am aware of.

C/Hennis: Does Wendy or Mr. Roats, do you know of any way that it is... because like you had indicated earlier, you would like, as a city representative, if you anticipate something being brought into the area in the near future, obviously that would be something that would be brought to the homeowners attention, but if this is just permitted through Central District Health, how would the homeowner be aware of that until after they get notice from the city that they are responsible for this?

Richard Roats: That is a good question. I am kind of under the assumption of Gordon Law, the engineer who is not here but, it sounds like he or they have some of this information or would be approached at some point in time but I don't have that answer if there is a procedure. I can certainly talk to him and perhaps write something in, even if it is a \$5 permitting fee or something along those lines, that the city gets, or a no charge but they just have to provide a copy of it as part of their permitting so we know. One of the things I have tasked the mapping department, Mike Borzick with was trying to determine all of the properties within city limits that are actually on septic so we can take a look into those areas for putting them on city sewer at some point in time if we are going down one street and we can pick up more on another and he is working on that. Again, recognizing that almost the entire city limits is in the high nitrate priority area, but as for what Central District Health does, I can certainly talk to Mr. Law and perhaps write a paragraph in there requesting either a no charge permit to do that or having Central District Health provide us copies of the new septic permits they issue for replacements and obviously we are going to know if it's new construction.

C/Hennis: Right, yeah, the new construction I'm not so worried about, but it's the replacements of such, as it is, that is a whole different arena because as far as I understand it, the plumber or the excavator or plumbing firm that is doing this; they apply directly to Central District Health and receive the permit through them, you know there is not a lot of talk with the cities and I don't believe Central District Health has a lot of talk with the cities at all from what I am seeing.

Wendy Howell: ***Inaudible***

C/Gealy: I'm sorry; I did not hear what you said.

Richard Roats: She says that they would need to come in and get a plumbing permit which are now issued by the city: for a septic.

C/Gealy: To replace a failed septic system?

Wendy Howell: If it's within the city limits.

C/Hennis: Ok, so in the unincorporated areas, but still within our city impact that are what we are talking about future-wise. So that is one where you wouldn't know and that is where I am concerned is what happens when... in the city, it is understood that is what is going happen, but on the edges of our city as we expand, that is what we're going to be running into.

Wendy Howell: We have no regulatory authority there though if they're not in city limits.

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C/Hennis: Right, but I am saying, this is something as we look at this for future, we kind of need to address this so that we don't get a bunch of people... quite frankly, like you said, the L.I.D. doesn't have a good name as it is so let's try to clean it up and try to make this system good for the city and useful as well, to the homeowners.

Wendy Howell: We could certainly collaborate with Central District Health to see if they would be willing to send us any replacement system permits that they approve.

C/Hennis: I would be worried; having the permits already issued and then sent to you, and then that would be a little late in the fact, I think.

Richard Roats: Yeah, if it is in the impact area, we should be getting, when there is a subdivision, I think what you are talking about is if there is a new subdivision proposed within the impact area that is going to be on septic.

C/Hennis: Well, yeah that is true, I mean that is one concern; but we are even talking about just houses in general out there, because we are starting to run into areas where you just have general houses that are going to be having replacements as well as when you have subdivisions coming in, we are going to be seeing that here. But if you have a general house, and existing house that has an existing system that they have to replace, you they are falling under this too and that is another concern. I think the new stuff kind of gets addressed in here and it is assumed that 'hey, you are putting in a big subdivision', yeah you may be on septic right now, but it's only until you get sewer coming in. I think that is kind of understood. But you get some existing houses out there and they don't necessarily coming on it so that is where I am concerned.

Richard Roats: Yeah, and from that standpoint, for those that are not going to be part of a subdivision development in the impact area; let's say it's five acres or twenty acres, other than the fact that Central District Health is going to review that through their process, there is not a lot that the city can do, one way or the other until we make that decision to annex and then extend the line. We certainly wouldn't extend the lines until we annex unless we are going to... we may do that in the Bittercreek Subdivision, to provide service up to the Bittercreek area but they are going to have to be annexed into the city. The properties will be annexed in and there will be the pathway so they will probably know before then about the annexation within the city. And then, at that point in time, whatever the development plan is for lines now, assuming that; let's just say that there is forty acres out there that is connected and annexed in and a developer is going to put in a subdivision, and there are going to be adjoining properties that are going to be joining it that would allow it to touch, but may or may not be developed –if it has got a home in it with a septic system, that is going to be grandfathered in. And then, until they decide that they are going to need to replace their system and if the sewer lines are there after the point in time that they have to replace their system, it shouldn't be an issue.

C/Hennis: Right.

Richard Roats: But anything before that, if they were in the area of impact of the county, they're going to be grandfathered in under the permit that they received from Central District Health and they wouldn't have any requirement under this until they decided 1)they would have to be annexed into the city for jurisdiction and 2) they would have to have a failing system to do that. If they were a new development or a replacement as a county, they wouldn't fall under this ordinance.

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C/Hennis: Right, it is just city properties, but even if it gets annexed in and they have a viable system, this also says that within 180 days, they have got to provide a construction time frame in order to connect if it is there, so they don't have the ability to wait until it fails currently.

Richard Roats: They would be grandfathered in under their Central District Health permit until that system fails. We wouldn't say: 'because you are now annexed, you immediately have to'... this doesn't affect any septic systems even in the city that are existing. Until there is a new put in for a replacement of a system...

C/Hennis: Ok, that is where I am confused because that is not how I am reading it. It is saying that: 'if the sewer becomes available within 300 feet of the property, the property owner shall, within 180 days, be notified in writing as to the availability of sewer connection, obtain approval for a connection plan including a time line for construction to be approved by the city engineer'.

Richard Roats: Ok, what section are you on?

C/Hennis: I am in 1-1.

C/Young: Pretty much all of them.

C/Hennis: Yeah, it is pretty much throughout, but I am in the septic failure.

Richard Roats: Ok, that means your system has failed ok. That only applies if your septic system fails...

C/Young: Or if the sewer is now within 300 feet.

C/Hennis: It is the same thing in 2-1 as well.

Richard Roats: 2-1 is if you are having a new system installed. So if you have an existing system, you are grandfathered in. We are not going to go to every septic system and say: 'you have got to hook up'. Under this septic ordinance, it applies to the system, if it fails or if they are getting a new permit.

C/Hennis: I think that is where I am confused as well, but that is what the gentleman from the previous meeting was confused because as we all read it, it basically said that if you have an existing system, be it new: let's say that under 2-1, if you have a new system in a year, if you have services become available as it says here, then you are responsible for hooking up to it. Or at least now, you have put verbiage in to provide for a connection plan which is fine.

Richard Roats: No. The intent is not to go out and make everybody hook up to septic ok. The intent of the rewrite is: 'if you have a system that fails and you are within the city limits and you come in to get a permit, here is what you have to do to get your septic permit' ok? Under 2, that is if you want to develop your property in the city limits with a septic system that is the condition that you have to comply with for that. Number 3 is 'if you replace your system and it is reliant on it' and then number 4 is development of basically commercial property so nowhere in the ordinance is there a requirement that says 'if the line is within 300 feet, you have to connect to it'. Certainly, we would like that and there was actually something in code before where it was 100 feet, but that is now taken out and the conditions are the 300 feet only if your system has failed, you are putting in a new system or you are developing vacant land or you are

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replacing the house with another house. So that's it; the vacant land and the commercial property so it does not deal with going out and making everybody hook up to the sewer system.

C/Hennis: Ok; and that is great because that is the intent that I would like to see. I just don't, and neither did that gentleman, see this as reading that way, so I think we just need to add some verbiage in there to clarify that intent for that because it really does read as if 'even though you've got a viable system, when it becomes available, you have to connect'.

C/Young: Yeah, but I think it could be as just saying 'an existing system is good until it fails'.

C/Hennis: I agree. As long as that's the intent of what the city wants to see, I think it is easy to create the verbiage, that is fine because that is what I was confused about.

Inaudible comments from Wendy Howell

C/Hennis: You know that would be really nice under that is to kind of put the intent and purpose of this section and under each section, yeah, that would do it for me.

C/Young: Yeah, that would clear everything up for me.

Richard Roats: Ok. I guess when you look at something a million times and then you write it and you think 'well, it's clear to me' and then you never think 'well, what about the person who has a perfectly good system that doesn't want to replace it'.

C/Young: I guess... is the intent with this to wait for the edit and see what that says?

C/Hennis: I think that would be the best thing.

C/Young: The new, finalized version before we vote on that? Or do we have a recommendation I should say?

C/Hennis: I would prefer that. Do we have a planned meeting the next... or do we have events at the next meeting?

Trevor Kesner: Yes, we will have something at the August 4th meeting.

Wendy Howell: That is actually the August 11th meeting, not the 4th.

C/Hennis: Ok then.

*Commissioner Hennis motioned to table 15-01-ZOA (Zoning Ordinance Amendment) for a rewrite to be reviewed at the next regularly scheduled Planning and Zoning meeting (August 11, 2015);
Commissioner Gealy seconds, all aye and motioned carried 3-0.*

C/Gealy: Could I get a copy that doesn't have the tracked changes?

C/Hennis: That would be good.

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Wendy Howell: Yes, we ran into some issues with printing this last week.

C/Hennis: Thank you and I appreciate the intent.

C/Gealy: Do you think you can include in the code then that homeowners will need a permit if they need to replace it if the system fails?

Richard Roats: From the city?

C/Gealy: From the city.

C/Hennis: I think the city already has that. It is outside the city that they don't necessarily coordinate.

C/Young: Yeah, and it is a requirement by Central District Health anyway.

C/Hennis: Within the city they have to.

C/Gealy: But I again think it is important more for the communication with the homeowners about what is going on with the sewer system.

C/Hennis: Right, well they have that if they are in the city but I am talking about like you and I that sit out.

C/Gealy: It sounded like they didn't require it in the city; that once they are in the city, they don't have to, they have the plumbing permit.

C/Hennis: The plumbing permit.

Richard Roats: I think what I will do perhaps is put a paragraph in there to consult with the city engineer and he can say 'here is where we want to go or gosh, we are going to be there in 180 days' type of thing.

C/Hennis: Right, good.

C/Gealy: I think just to protect the citizens; to protect the homeowner.

C/Hennis: As much as I would like to protect the homeowner for not spending money where he doesn't have to, I also say that if sewer is coming, I would much rather hook to the sewer system and not have to worry about dealing with a septic tank. Believe me, they are not that much fun so it is a protection both ways, I just don't want or the other to get hurt with not being able to develop a certain area or the homeowner getting stuck with several thousand dollars that they don't use.

C/Young: No, it's a benefit for the city that they head this direction; definitely.

C/Gealy: And with respect to the 180 days of sewer becoming available within 300 feet, it sounds like the homeowner is being required to present a plan -but not connect within 180 days.

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C/Hennis: Yes. And again, I like that verbiage that they added so as long as the intent is clarified, it sounds good to me.

Richard Roats: Ok, I will work on that language. Thank you.

C/Gealy: Is there a limit to the number of times we can table something? I thought there was a limit that we could only table it three times but it is not like we are not taking action on it. It would be nice to just see a final copy.

Wendy Howell: No

5. DEPARTMENT REPORTS:

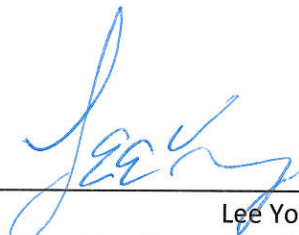
- a. None

6. CHAIRMAN / COMMISSIONER DISCUSSION:

- a. None

7. ADJOURNMENT:

Commissioner Hennis motions to adjourn at 7:14pm; Commissioner Gealy Seconds, all aye and motion carried 3-0.



Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Wendy I. Howell, Planning and Zoning Director
Kuna Planning and Zoning Department

